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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,080	06/08/2001	Edward G. Winston	10007217-1	9400

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EXAMINER

QIN, YIXING

ART UNIT PAPER NUMBER

2622

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/876,080	WINSTON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yixing Qin	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Y

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 9/13/05, have been fully considered and are persuasive. The finality of the previous office action has been withdrawn. After reading over the arguments provided, the Examiner agrees that the "index" is not shown in the Geelen reference. Basically, the index and print job should not be the exact same thing as was interpreted by the Examiner in the Geelen reference. However, a new reference, Roberts et al, has been found to teach and/or suggest the idea of an index by creating additional information in the form of "identification tags" that facilitate in the printing of a job. Other references have been cited also to show various other features not explicitly disclosed by Roberts. Please see the new rejection below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 3-13, 15-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al (U.S. Patent No. 6,650,431 – "Roberts").

**1. Claims 1, 13, 17 and 21**

- One can see in Fig. 4 of Roberts and column 9, lines 24-33, that additional pages with identification tags 430, 432, 434 and 436 (i.e. **indexes**) are put into a print

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job. Note these pages are not the actual print job, but additional pages created to facilitate in the printing of the job. Of course, one would understand that pages need to be located in order to be placed correctly.

- Fig. 3 and column 9 lines 9-10 of Roberts discloses that that identifier 306 identifies the first colored pages to insert into the document. One can see in Fig. 4 that the colored and black and white pages (i.e. criteria is **colored, black/white**) are separated into different "groups" according to information in the tags.
- Note in Fig. 1 and column 6, lines 51-63 that colored and black and white pages are sent to different printers.
- In regards to claim 21, the control station 108 of Roberts (see Figs. 1, 2) is the computer that facilitates printing.

**2. Claim 3, 15 and 19**

- From claim 1, if there were the same amount of colored and black and white pages, then they would be split equally. Also note from claim 2 below, the Barry algorithm splits quantities substantially equally as well.

**3. Claim 4, 16 and 20**

- Roberts discloses in column 8, lines 21-24 that a parser can be used to identify page boundaries.

**4. Claim 5**

- Roberts discloses in column 8, lines 34-44, the idea of generating page order information based upon where pages start and end. This information is created by using the parser and information in the identification tag, and would be obvious if one wanted to store this information along with that in the identification tag since the identification tag already has page related information.

**5. Claim 6**

- Roberts discloses in column 12, lines 45-49, that there is a determination of whether a job is to be sent to multiple printers. Obviously, if not to be sent to multiple printers, it would be a job that is not split.

**6. Claim 7**

- Roberts discloses in column 12, lines 59-67 the delivering of the unsplit job to a printer.

**7. Claim 8**

- Roberts discloses in column 12, line 61 the determination of a format of a job.

**8. Claim 9**

- Roberts discloses in column 7, lines 57-67 that the format determined can be PostScript.

**9. Claim 10**

- One can see in Fig. 4 of Roberts that the document has many pages.

**10. Claim 11**

- Roberts discloses in column 7, lines 48-53, various print parameters that include how many copies of a job to print.

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**11. Claim 12**

- Although not explicitly disclosed, the idea of duplex printing is well-known in the art and would be obvious to one of ordinary skill how to implement duplex printing in the Roberts invention.

II. Claims 2, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al (U.S. Patent No. 6,650,431 – “Roberts”) in view of Lenhertz et al (U.S. Patent No. 5,371,888 – “Lenhertz”) and further in view of Barry et al (U.S. Patent No. 5,859,711).

**12. Claims 2, 14 and 18**

- Although Roberts teaches color or black and white as a selection criteria, one of ordinary skill knows that the quantity of pages would also be important. The secondary reference, Lehnertz, discloses in Fig. 7A and column 10, lines 52-63 shown an job file – i.e. index, which contains information regarding the pages, their offsets and number of pages. Neither Roberts nor Lehnertz disclose the splitting of the job based on this criteria and the number of printers. However, the tertiary reference, Barry, discloses in Fig. 5 and column 8, lines 30-63 an algorithm for dividing up a print job according to a number of pages and a number of printers. All three references are in the art of processing print job information to facilitate printing. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a quantity of pages information in the index of Roberts and use an algorithm such as the one in Barry as a different means of dividing the pages. The motivation would be to allow, for example, if only black and white pages are to be printed, an alternative method of dividing the pages, since the focus is more on how to print the pages fastest through all the black and white printers instead of whether pages should be printed on colored or black and white printers.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nardozzi (U.S. Patent No. 5,179,637), Kuwabara et al (U.S. Patent No. 5,051,930).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YQ

  
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